# **54-A DISTRICT COURT**

124 W. Michigan Ave., 6<sup>th</sup> Floor City Hall, Lansing, MI 48933

DISTRICT JUDGES
CHARLES F. FILICE
PATRICK F. CHERRY
FRANK J. DELUCA
LOUISE ALDERSON
AMY KRAUSE



Court Administrator RICHARD WOODS

Magistrate LAURA A. MILLMORE

Local Administrative Order No. 2006-3 Rescinds Local Administrative Order No. 2004-3

## **CASEFLOW MANAGEMENT PLAN**

#### It is ordered:

This Administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7, effective January 1, 2004.

#### A. Goals of the Court

The Court adopts the following Caseflow Management Plan to:

- 1. expedite the disposition of all cases in a consistent manner with fairness to all parties;
- 2. minimize the uncertainties associated with processing cases;
- 3. assure equal access to the adjudicative process for all litigants;
- ensure the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
- 5. enhance the quality of litigation.

# B. Case Processing Standards

The Court adopts time guidelines as set forth in Administrative Order 2003-7.

## C. Scheduling Policy

The Court adopts a scheduling policy whereby all cases or contested matters will be set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes early and continuous control of all cases from case initiation through post-disposition through the use of:

- 1. appropriate case screening;
- 2. scheduling orders and conferences for the purpose of achieving date certainty;
- 3. management of discovery and motion practice;
- 4. realistic setting of trial dates and time limits; and
- 5. court control of adjournments in compliance with MCR 2.503(B) for the purpose of achieving date certainty.

Cases and contested matters will be continually reviewed to ensure that no case exists for which a future action or review date has not been set by the Court. Scheduling will be done in accordance with the time guidelines set forth in Administrative Order 2003-7. No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set forth by AO 2003-7 without an immediate review or without the Court setting forth the reasons for an extension and setting new limits.

# D. Adjournment Policy

The Court adopts the adjournment policy set forth in MCR2.503(B), as follows:

- 1. Unless the court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for an adjournment will be decided by the judge or his or her designee. Adjournments granted will be classified and tracked based on the reason given.
- 2. A motion for adjournment must state: a.) which party is requesting the adjournment; b.) the reason for it; and c.) whether other adjournments have been granted in the proceeding and, if so, the number granted.
- 3. The entitlement of a motion for adjournment must specify whether it is the first, or a later request, e.g. "Plaintiff's Request for Third Adjournment."
- 4. At the time a proceeding is adjourned, the Court will reset to the assigned judge's next available date and time.
- 5. In granting an adjournment, the Court may impose costs and conditions. Costs may be taxed summarily to be paid on demand of the adverse party or the adverse party's attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

## E. Alternative Dispute Resolution

The Court promotes the use of alternative means with which to resolve disputes. Litigants will be provided with all available information regarding area dispute resolution and counseling centers. The Court uses Case Evaluation, an alternative dispute resolution program, for civil cases. Also, the court uses the Central Michigan Mediation program for Small Claims matters.

# F. Pretrial Scheduling Orders

## 1. For Traffic Cases (Civil Infractions)

A response from the defendant is required within 14 days from the issuance of the citation. When there has been no response a default judgment is entered. This progresses to the suspension stage after an additional 14 days and finally after 30 days to the bench warrant stage. In cases where a response is received and either a formal hearing or an informal hearing is requested, the case is scheduled on for a hearing within 21 days (formal hearing) or 45 days (informal hearing) respectively.

#### 2. For Criminal & Traffic Misdemeanors

An appearance by the defendant is required within 14 days of arrest or issuance of an appearance ticket. When no response is received, and after the issuance of a two week arraignment notice, a warrant is issued. If at the appearance, a not guilty plea is entered, a pretrial hearing is set within 21 days after the arraignment. The exception to this are Drinking and Driving offenses and Domestic Violence offenses. For these, pretrial hearing dates may be set within 14 days of the defendant's appearance.

# 3. For Parking Cases

The court is part of a joint effort with the City of Lansing to process parking cases. For the first 120 days from when the ticket is issued, the city's Parking Enforcement Dept. makes attempts to collect from violators. If unsuccessful, the tickets are turned over to the court. When received, these start at the complaint stage (civil infraction) and proceed in the same manner as other civil infraction matters. If uncollected after 120 days, these cases are turned over to the Michigan Dept. of Treasury for continued collection efforts.

# 4. Felonies

The court does not schedule a separate pretrial hearing for felonies. A preliminary exam date is scheduled within 14 days of arraignment and a pretrial conference, if any, is included at time of the exam.

#### 5. Civil Cases

General Civil Cases – A pretrial conference shall be set for all cases seeking damages in excess of \$3,000 and for any case in which a jury trial is requested or at a judge's request.

Landlord-Tenant Cases – No formal pretrial is scheduled. Cases are set for hearing and a pretrial conference is held with judge's law clerk or attorney of record before going into scheduled courtroom hearing.

Small Claims – No formal pretrial is scheduled. However, the majority of cases are scheduled for a small claims mediation hearing. Mediation involves trained mediators from the Dispute Resolution Center of Central Michigan at no cost to the parties. If the case is still unresolved, it will be set for an actual small claims hearing before a judge or magistrate.

In all cases set for a pretrial conference, a joint pretrial summary shall be prepared, submitted and approved by the court prior to the date of pretrial, or the parties shall appear for the pretrial on the date scheduled. A telephone pretrial conference can be held on the scheduled date, with the approval of the judge prior to the hearing.

#### G. Settlement or Final Pretrial Conferences

#### 1. Criminal Cases

a. Cases are scheduled for an initial pretrial conference, however, when good cause is shown, and if justified, a second pretrial conference may be scheduled.

## 2. Civil Cases

a. Cases will be scheduled for a settlement conference by the judge in those cases which are appropriate for a settlement conference.

# H. Trial Scheduling and Management

#### 1. Felonies

- a. Preliminary exams will be scheduled within 14 days.
- b. Preliminary exams will not be adjourned except upon good cause shown on the record or by stipulation to adjourn and waiver of the 14 day rule.

#### 2. Misdemeanors

- a. For Criminal cases, and whenever possible, trials are scheduled within 45 days after the pretrial hearing date.
- b. In some cases and to expedite matters, pretrial and trial dates are scheduled at the arraignment.
- c. Civil infractions from the same incident as overlying misdemeanors are set for explanation hearing at the time of the misdemeanor pretrial and/or for formal hearing at the time of the misdemeanor trial.

#### 3. General Civil Cases

- a. The clerk will schedule a pretrial conference to be held within 28 days after the answer is filed.
- b. At the pretrial the court will set the time limits to request discovery and to complete discovery, generally 60 to 120 days. At the pretrial the court will also determine if the case should be ordered to case evaluation.

c. If the case is ordered to case evaluation, a date for evaluation hearing will be set after the close of discovery. A trial date will be set about 30 days after the close of discovery.

#### d. Small Claims cases

a. The clerk will schedule a hearing to be held within 45 days after a proof of service is filed with the court.

## e. Summary proceedings

- a. The court will set a hearing 7-14 days after the filing of the case.
- b. If a jury trial is requested, the court will schedule a pretrial and trial date. The pretrial is to be held within 30 days and the trial is to be held within 42 days.

# I. Monitoring Systems

The case management system of the Court will, at a minimum, provide the capability to:

- 1. monitor case progress;
- 2. generate various reports for measuring pending inventory, delay, activity and scheduling practices; and
- generate reports showing compliance with time guidelines. Specific reports that will
  be available and used from the case management system are the case age report,
  next action date, age of cases at disposition, the recap detail reports, the caseload
  pending report, and the delay in criminal proceedings report.

# J. Implementation

To successfully implement and achieve the goals of this Plan, the Court will

- 1. develop policy level commitment from the Bench to the concept and plan; and
- 2. continue to review caseflow management with attorneys and prosecutors who regularly practice before the court to seek their comments and input and
- 3. continue to implement this plan which is currently in effect at 54-A District Court.